

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1580 OF 2021

Imran Ahemad S/o Gafar Khan,
..VS..

State of Maharashtra, through Department of Information & Technology, through its
Secretary, Mantralaya, Mumbai and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Smita V. Taksande, Advocate for petitioner.
Shri A. A. Madiwale, A.G.P. for respondent Nos.1 to 4.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 25.06.2021

Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Heard Mrs. Smita Taksande, learned counsel for the petitioner and Shri Madiwale, learned A.G.P. who appears by waiving notice on behalf of respondent Nos.1 to 4.

3. The petitioner runs a Common Services Center on behalf of the State of Maharashtra, for offering various online services and facilities under the National e-Governance Action Plans as declared vide Government Resolution dated 03rd December, 2008. The Common Services Center (CSC) being run by the petitioner is

situated on national highway which passes from the outskirts of Pandharkawada, district Yavatmal.

4. On 29.01.2020, Bharat Band was called by political outfit "Bahujan Kranti Morcha" and as a part of it, several activists of "Bahujan Kranti Morcha" assembled on stretch of national highway No.44, Pandharkawada, which was right in front of the CSC of the petitioner. This assembly of persons started agitation and members obstructed the road traffic. That agitation was called as "Rasta Roko". In that assembly, the petitioner also allegedly took part. Seeing that the petitioner was quite active in his agitation of "Rasta Roko", he was called upon by the police to leave the assembly and refrain from any unlawful activity to which, the petitioner did not pay any heed. Ultimately, police had no option but to take action against the petitioner and all those persons who agitated by obstructing road traffic. Offences punishable under Sections 143, 341 and 188 of Indian Penal Code read with Section 135 of the Indian Penal Code were registered against the petitioner and his associates vide Crime No.92/2020 at Pandharkawada Police Station. It was found by the Resident Deputy Collector, Yavatmal that such conduct of the petitioner was not suitable for his being part of the Central Government Scheme for running Common Services Center on behalf of the State of Maharashtra. Therefore, it was recommended that the allotment of CSC to the petitioner be cancelled permanently.

5. Learned counsel for the petitioner submits that all the allegations made by the Resident Deputy Collector, Yavatmal against the petitioner are false. However, she admits that the petitioner was present in the unlawful assembly that had gathered on the relevant stretch of national highway No.44 which indulged in “Rasta Roko” agitation. She further submits that even though the petitioner was present there, petitioner himself did not take any active part much less by indulging in stopping of road traffic.

6. Now, if we consider the admission of the petitioner of being simply present along with the persons who had been indulging in Rasta Roko agitation, it would lead us believe that there was no reason for the petitioner to come on the street and just be an onlooker along with the agitationists. Reason being that the petitioner was discharging an onerous responsibility on behalf of the State Government and therefore, when some criminal elements were indulging in illegal agitation, the petitioner should not have left his CSC and joined the persons who had formed the unlawful assembly even as an onlooker. So, by the own admissions of the petitioner, one can safely conclude that in this case the petitioner had abandoned his duty and responsibility and that being so, we do not find that there is any substance in the case of the petitioner.

7. The petition therefore deserves to be dismissed and it is dismissed summarily. No costs.

JUDGE

JUDGE

Kirtak